

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

March 27, 2018

() ACTION/DECISION

(X) INFORMATION

I. TITLE: Health Regulation Administrative and Consent Orders.

II. SUBJECT: Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of January 1, 2018, through January 31, 2018.

III. FACTS: For the period of January 1, 2018, through January 31, 2018, Health Regulation reports one (1) Administrative Order, four (4) Consent Orders, and two (2) Emergency Suspension Orders with a total of sixty-three thousand six hundred dollars (\$63,600) in assessed monetary penalties.

Health Regulation Bureau	Health Care Facility, Provider, or Equipment	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Health Facilities Licensing	Residential Treatment Facility for Children and Adolescents	0	1	0	\$19,700
	Ambulatory Surgical Facility	0	2	0	\$30,000
Radiological Health	Dental Facility	0	1	0	\$1,700
	X-Ray Vendor	1	0	0	\$12,200
EMS & Trauma	EMT	0	0	1	\$0
	Paramedic	0	0	1	\$0
TOTAL		1	4	2	\$63,600

Approved By:


Shelly Bezanson Kelly
Director of Health Regulation

HEALTH REGULATION ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

March 27, 2018

Bureau of Health Facilities Licensing

Facility Type	Total # of Beds	Total # of Licensed Facilities in South Carolina
Residential Treatment Facility for Children and Adolescents	642	12

1. Palmetto Pee Dee Residential Treatment Center (RTF) – Florence, SC

Investigation: The Department visited Palmetto Pee Dee Residential Treatment Facility (“Palmetto”) on September 12, 2016, December 13, 2016, and January 5, 2017, to investigate complaints, December 28, 2016, to conduct a general inspection and complaint investigation, and January 31, 2017, for a follow-up inspection and complaint investigation.

Violations: Based upon the inspections and investigations, the Department cited Palmetto for fifty-one (51) violations of Regulation 61-103, Residential Treatment Facilities for Children and Adolescents. Specifically, Palmetto was cited three (3) times for violating Section 400.A, for failing to follow policies and procedures for diet orders and staffing; one (1) time for violating Section 501.A, for failing to have documentation of a criminal background check for staff members available for review; two (2) times for violating Section 504, for failing to maintain required staffing; sixteen (16) times for violating Section 506.A, for failing to maintain required documentation of inservice training; one (1) time for violating Section 601.B.2, for failing to report an incident of resident abuse to the Department within twenty-four (24) hours; five (5) times for violating Section 704, for failing to update and maintain residents’ Individual Treatment Plans as required by regulation; one (1) time for violating Section 902.F.1, for failing to maintain documentation of the facility’s policy regarding living group size, composition, and staff involvement; three (3) times for violating Section 1002.A.6, for failing to include certain requirements in the rights of residents; four (4) times for violating Section 1100.A, for failing to have documentation of required physical examinations, screenings, and immunization statuses for residents; four (4) times for violating Section 1303, for failing to ensure meals were not repeated within a week and failing to ensure meal times were documented on a posted menu; one (1) time for violating Section 1304.B, for failing to ensure meal service staff were properly trained in their duties; one (1) time for violating Section 1305.A, for failing to have documentation of special diets approved for residents available for review; two (2) times for violating Section 1306.A, for failing to ensure that menus were dated as served and posted in conspicuous areas of the facility; one (1) times for violating Section 1600, for failing to keep all equipment and building components in good repair and operating condition; one (1) time for violating Section 1702.C.2, for failing to have documentation of a staff member’s tuberculin skin test available for review; two (2) times for violating Section 1703.B.1, for failing to clean each specific area of the facility; one (1) time for violating Section 2500.B, for failing to maintain the required ambient temperatures in resident areas; one (1) time for violating Section 2602.G, for failing to maintain required spacing between residents’ beds; and one (1) time for violating Section 2604.E, for failing to ensure that approved grab bars were securely fastened and usable in a resident’s shower.

Enforcement Action: Pursuant to the Consent Order executed January 11, 2018, the Department assessed a nineteen thousand seven hundred dollar (\$19,700) monetary penalty against Palmetto, due within thirty (30) days of execution of the Consent Order. Additionally, Palmetto agreed to continue to implement the actions set forth in its Plans of Correction and ensure that all violations of R.61-103 are not repeated. Finally, Palmetto agreed to schedule and attend a compliance assistance meeting with Department

representatives within forty-five (45) days of execution of the Consent Order. The Department received Palmetto’s assessed monetary penalty on January 16, 2018.

Prior Sanctions: None.

Facility Type	Total # of Units	Total # of Licensed Facilities in South Carolina
Ambulatory Surgical Facility	74	289

2. Carolina Colonoscopy Center (ASF) – Columbia, SC

Investigation: The Department visited Carolina Colonoscopy Center (“Carolina”) on July 11, 2017, to conduct a general inspection and complaint investigations, and August 17, 2017, for a follow-up inspection.

Violations: Based upon the inspections, the Department cited Heath Springs for twenty-eight (28) violations of Regulation 61-91, Standards for Licensing Ambulatory Surgical Facilities. Specifically, Carolina was cited one (1) time for violating Section 202.C, for failing to grant Department representatives access to all areas, objects, and records of the facility; two (2) times for violating Section 501, for failing to maintain required documentation for staff members; one (1) time for violating Section 504.C, for failing to have a roster of medical staff and their associated privileges; seven (7) times for violating Section 507, for failing to have required documentation for inservice training; one (1) time for violating Section 701.B.13, for failing to have an operative report dictated following a procedure; one (1) time for violating Section 805.C, for having expired laboratory supplies; five (5) times for violating Section 808, for failing to provide patients with required discharge instructions; two (2) times for violating Section 1001.D.5, for failing to maintain required documentation for emergency kits/carts; two (2) times for violating Section 1001.E, for having expired medications; one (1) time for violating Section 1003.A, for failing to document administration of medications to a patient on the MAR; one (1) time for violating Section 1304.A, for failing to have documentation of fire drills conducted at least quarterly for all shifts; one (1) time for violating Section 1502.B, for failing to maintain required documentation regarding staff members’ influenza vaccinations; one (1) time for violating Section 1505.A, for failing to conduct an annual tuberculosis risk assessment; one (1) time for violating Section 1506.B.1, for failing to ensure four (4) staff members received the second step of two-step TSTs; and one (1) time for violating Section 1601.A, for failing to have a written, implemented quality improvement program.

Enforcement Action: Pursuant to the Consent Order executed January 26, 2018, the Department assessed a twenty thousand dollar (\$20,000) monetary penalty against Carolina. The Consent Order required Carolina to make payment of ten thousand dollars (\$10,000) of the assessed monetary penalty within thirty (30) days of execution of the Consent Order. The remainder of the assessed monetary penalty will be stayed upon a six (6) month period of substantial compliance. Additionally, Carolina agreed to submit to the Department within fifteen (15) days of execution of the Consent Order a description of the facility’s plan for the utilization of an external physician to address the facility’s efforts in obtaining and maintaining compliance with R.61-91. The Department received Carolina’s assessed monetary penalty on February 26, 2018.

Prior Sanctions: By Consent Order executed September 3, 2015, the Department assessed a ten thousand dollar (\$10,000) monetary penalty against Carolina for violations of R.61-91, which was paid September 16, 2015.

3. West Ashley Colonoscopy Center, LLC (ASF) – Charleston, SC

Investigation: On December 8, 2016, the Department issued an Administrative Order imposing a ten thousand dollar (\$10,000) monetary penalty against West Ashley Colonoscopy Center, LLC (“WACC”) for establishing a new healthcare facility without obtaining a Certificate of Need (“CON”) and for operating an unlicensed Ambulatory Surgical Facility (“ASF”).

Violations: The Administrative Order was issued for WACC’s violations of S.C. Code Sections 44-7-160(1) and -260(A)(4), Section 102.1.a of Regulation 61-15, Certificate of Need for Health Facilities and Services, and Section 103.A of Regulation 61-91, Standards for Licensing Ambulatory Surgical Facilities. On February 24, 2017, Dr. Stephen Lloyd and WACC filed with the Department a Request for Final Review (“RFR”) and Motion for Reconsideration regarding the December 2016 Administrative Order. On March 3, 2017, the Clerk of the Board of Health and Environmental Control (“the Board”) returned the untimely RFR to WACC. The Department did not receive WACC’s payment of the assessed monetary penalty. On November 7, 2017, the Department denied South Carolina Medical Endoscopy Center’s (“SCME”) application for license renewal to operate Carolina Colonoscopy Center based upon WACC’s failure to pay the monetary penalty imposed by the December 2016 Administrative Order, as well as an indirect and partial common ownership between WACC and SCME. On November 21, 2017, SCME filed an RFR with the Board contesting the Department’s denial of licensure. On December 27, 2017, the Clerk of the Board mailed notice of the decision not to conduct a final review conference concerning the denial of licensure. WACC did not file a contested case hearing with the Administrative Law Court.

Enforcement Action: Pursuant to the Consent Order executed January 26, 2018, the Department assessed a ten thousand dollar (\$10,000) monetary penalty against WACC for its violations of the South Carolina Code of Laws, R.61-15, and R.61-91. Pursuant to the terms of the Consent Order, WACC agreed to pay the assessed monetary penalty in two (2) installments of five thousand dollars (\$5,000). The Department received WACC’s first installment payment January 16, 2018. The second installment is due within sixty (60) days of execution of the Consent Order.

Prior Sanctions: None.

Bureau of Radiological Health

Facility Type	Total # of Registered Facilities in South Carolina
Dental Facilities	1,700

4. Andrews Family Dental Practice (Dental Facility) – Andrews, SC

Investigation: The Department visited Andrews Family Dental Practice (“Registrant”) on May 4, 2017, to conduct a routine inspection.

Violations: Based upon the inspection, the Department cited Registrant for one (1) violation of Regulation 61-64, X-Rays (Title B). Specifically, Registrant was cited for violating RHB 4.2.16.1, for failing to conduct equipment performance testing on its x-ray unit. This is a repeat violation as the Department previously cited Registrant for the same violation in 2007 and 2012.

Enforcement Action: Pursuant to the Consent Order executed January 8, 2018, Registrant agreed to a one thousand seven hundred dollar (\$1,700) civil penalty. The Consent Order requires Registrant to make payment of four hundred twenty-five dollars (\$425) of the civil penalty within thirty (30) days of execution of the Consent Order. The remainder of the civil penalty will be stayed upon a twenty-four (24) month period of substantial compliance with the Consent Order and R.61-64. Registrant further agreed to

ensure that all violations of R.61-64 are not repeated. Finally, Registrant agreed to a follow-up inspection following execution of the Consent Order. The civil penalty has been paid.

Prior Sanctions: None.

Facility Type	Total # of Registered Vendors in South Carolina
X-Ray Vendors	353

5. Mini C Sales (X-Ray Vendor) – Highland Park, IL

Investigation: Mini C Sales (“Vendor”) was previously registered with the Department to provide services in South Carolina as an x-ray vendor. However, the Department revoked Vendor’s registration in August 2013 for nonpayment of fees. In October 2016, the Department became aware of sales and installations of x-ray equipment by Vendor performed after the August 2013 revocation. The Department notified Vendor via mail November 2016 of its violations of Regulation 61-64, X-Rays (Title B). After not receiving a response to the November 2016 letter, the Department sent Vendor a certified letter on January 23, 2017. On February 16, 2017, Vendor contacted the Department via telephone and staff explained the necessity of corrective action to comply with R.61-64. After no subsequent communication from Vendor, the Department sent an additional certified letter to Vendor on April 5, 2017. The Department received no response to this letter. On June 1, 2017, the Department sent Vendor a certified Notice of Enforcement Conference. However, the letter was never received by Vendor. Subsequently, the Department attempted to contact Vendor via telephone on multiple occasions and left numerous voicemail messages which were never returned. On July 31, 2017, the Department resent the certified Notice of Enforcement Conference to Vendor as well as Vendor’s registered agent. United States Postal Service tracking indicated both items were received. Department representatives and Vendor met via telephone August 29, 2017, for the enforcement conference to discuss the above noted violations and possible resolution. On September 13, 2017, the Department mailed a Consent Order to Vendor as well as Vendor’s registered agent indicating Vendor had ten (10) days to sign and return the Consent Order to avoid enforcement via Administrative Order. The Department did not receive a response from Vendor. On October 5, 2017, the Department contacted Vendor via telephone to check the status of the Consent Order. Vendor indicated his counsel was reviewing the document. On October 6, 2017, Vendor emailed the Department indicating a response would be received by November 10, 2017. Subsequently, Department legal counsel spoke with Vendor’s registered agent and counsel reiterated to the registered agent that Vendor had until November 10, 2017, to sign and return the Consent Order. The Department has not received a response or signed Consent Order from Vendor.

Violations: Based upon the foregoing facts, Vendor has failed to apply for registration with the Department as required by RHB 2.6.1. Additionally, Vendor has failed to report notifications of sales to the Department as required by RHB 2.7.1.

Enforcement Action: Pursuant to the Administrative Order executed December 19, 2017, Vendor is required to pay a twelve thousand two hundred dollar (\$12,200) civil penalty for violations of R.61-64. Payment of the civil penalty is due within thirty (30) days of execution of the Administrative Order. Furthermore, Vendor shall ensure all violations of R.61-64 addressed herein are not repeated. Finally, Vendor shall refrain from engaging in the business of selling, leasing, or installing or offering to sell, lease, or install x-ray machines or machine components in South Carolina.

Prior Sanctions: None.

EMS Provider Type	Total # of Providers in South Carolina
EMT	6,218
Advanced EMT	399
Paramedic	3,688
Athletic Trainers	1,000
Ambulance Services Provider	264
First Responder Services Provider	2

6. Travis R. Miller (EMT)

Investigation: On January 23, 2018, the Department was notified of Mr. Miller's arrest. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Miller was arrested on January 7, 2018, and charged with unlawful dissemination of obscene material to a person under 18 years of age, and first degree sexual exploitation of a minor.

Violations: The charges against Mr. Miller are felonies involving moral turpitude and gross immorality and therefore may rise to the level of misconduct as prescribed in S.C. Code Section 44-61-80(F)(2) and Regulation 61-7, Section 1100(B)(2). The Department believes Mr. Miller's arrest demonstrates a capacity for inappropriate and criminal behavior towards individuals placed within his trust.

Enforcement Action: Mr. Miller's EMT certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed January 29, 2018. The Department will continue to monitor Mr. Miller's criminal matters.

Prior Sanctions: None.

7. Matthew J. Oswald (Paramedic)

Investigation: On January 18, 2018, the Department was notified of Mr. Oswald's arrest. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Oswald was arrested on January 17, 2018, and charged with sexual battery upon a student 16 or 17 years of age.

Violations: The charge against Mr. Oswald is a felony involving moral turpitude and gross immorality and therefore may rise to the level of misconduct as prescribed in S.C. Code Section 44-61-80(F)(2) and Regulation 61-7, Section 1100(B)(2). The Department believes Mr. Oswald's arrest demonstrates a capacity for inappropriate and criminal behavior towards individuals placed within his trust.

Enforcement Action: Mr. Oswald's Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed January 23, 2018. The Department will continue to monitor Mr. Oswald's criminal matters.

Prior Sanctions: None.